

REMARKS

Claims 1-12 are pending in the present application.

Reconsideration on the merits is respectfully requested.

The claims are believed to be allowable for the reasons set forth herein. Notice thereof is respectfully requested.

Specification

The disclosure is objected to because of informalities. This objection is overcome by amendment.

Claim Rejections - 35 USC § 102

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Sekiguchi.

Sekiguchi is cited as teaching at least one ink-receiving layer with a pigment and a polymer in the ink receiving layer. This is different from the invention as set forth in claim 1 wherein the pigment is in an ink absorption layer and a top coat is provided with a water insoluble polymer.

The Office contends that Sekiguchi teaches coating a plurality of layers simultaneously in a wet-on-wet fashion.

This teaching is taken out of context. The actual recitation is as follows:

"Here, it is possible to coat a certain amount of the ink-receiving layer on the support in installments. As the method for coating the ink-receiving layer on the support in installments, after a layer gets dry, the next layer may be coated thereon, or a plurality of layers are simultaneously coated in a wet-on-wet fashion."

This teaching is strictly referring to the ink receiving layer not distinct layers of different compositions. One skilled in the art can only construe this passage to indicate that a single composition is applied in either multiple installments or in a wet-on-wet fashion. It is not the application of the ink receiving layer that is referred to in the wet-on-wet technique in claim 1 of the present specification but the application of two distinct compositions being applied in this manner. Sekiguchi fails to teach a wet-on-wet technique for distinct layers.

The rejection of claims 1-3 under 35 U.S.C. 102(e) is improperly based on a reference which fails to teach an element of the claim. The rejection is therefore improper and removal is respectfully requested.

Claim Rejections - 35 USC § 103

Claims 4-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi in view of Cousin et al.

Sekiguchi is applied in a manner consistent with the rejection of claim 1-3 under 35 U.S.C. 102(e). The basis for the rejection under 35 U.S.C. 102(e) is improper as set forth previously and the arguments apply equally here.

Cousin et al. is cited as teaching the specific polymers of claims 4-6 and 9. Claims 4-6 and 9 ultimately depend from claim 1 and therefore have the limitation of coating in a wet-on-wet fashion as in claim 1. Even if the dyes are described in Cousin et al. there is no teaching of applying multiple distinct layers in a wet-on-wet fashion as required in claims 4-6 and 9 by dependence from 1.

Sekiguchi and Cousin et al. fail to teach a claim limitation and therefore fail to obviate the claimed invention.

The rejection of claims 4-6 and 9 under 35 U.S.C. 103(a) is improper for the reasons set forth and removal is respectfully requested.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi in view of Cousin et al. as applied above, and further in view of Rabasco.

Sekiguchi and Cousins et al. are applied as before. Rabasco is cited as teaching the specific polymers of claim 7.

Claim 7 ultimately depends from claim 1 and therefore includes the limitation that two distinct layers are coated in a wet-on-wet fashion. This limitation is not taught in Sekiguchi or Cousins et al. as set forth previously. Rabasco also fails to teach the limitation of coating distinct layers in a wet-on-wet fashion.

The rejection of claim 7 under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi in view of Cousin et al. as applied above, and further in view of Rabasco is improper and removal is respectfully requested.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi in view of Cousin et al., as applied above, and further in view of Malhotra et al.

Sekiguchi and Cousin et al. are applied as before. Malhotra is cited as teaching the specific polymers of claim 8.

Claim 8 ultimately depends from claim 1 and therefore includes the limitation that two distinct layers are coated in a wet-on-wet fashion. This limitation is not taught in Sekiguchi or Cousin et al. as set forth previously. Malhotra et al. also fails to teach the limitation of coating distinct layers in a wet-on-wet fashion.

The rejection of claim 8 under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi in view of Cousin et al. as applied above, and further in view of Malhotra et al. is improper and removal is respectfully requested.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi in view of Mueller.

Sekiguchi is applied as before. Mueller is cited in a manner which supports the novelty of the presently claimed invention.

Mueller does teach that a coating formulation having surface tension higher than that of a substrate does not wet the substrate. Mueller et al. also provides guidance for increasing the surface tension to avoid wetting by aqueous or organic based solutions.

The Office then concludes that the claimed surface tensions of layers are obvious without any citation from Mueller et al. as to how this conclusion is supported. Applicant is at a loss to explain how specifically teaching one skilled in the art to avoid wetting could be used to teach just the opposite in an ink jet film specifically designed to be readily wetted by ink. There is no teaching in Mueller et al. that would lead one to better wetting since this is contrary to the purpose of the teachings of Mueller et al. and to be avoided.

Mueller et al. is specifically related to textiles. Even if, arguendo, one did wish to apply the teachings of Mueller et al. to Sekiguchi the combined teachings would be contrary to the desired results. This combination can only be made in hindsight based on the instant specification while ignoring the actual combined teachings.

The rejection of claim 10 under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi in view of Mueller et al. is improper and removal is respectfully requested.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi in view of Van den Zegel.

Sekiguchi is cited as teaching coating in a wet-on-wet fashion. This contention is incorrect as pointed out previously. When taken in context, Sekiguchi only considers coating layers of identical material in a wet-on-wet fashion.

Van den Zegel discloses a method for providing a radiographic silver halide material in which the hydrophilic layers are coated simultaneously by slide-hopper or by the slide-hopper curtain coating technique. However, Sekiguchi teaches away from the use of simultaneous coating of a plurality of layers with different compositions for the coating of ink-receiving layers.

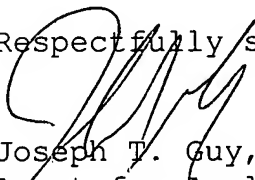
We contend that Sekiguchi and Van den Zegel are from such disparate fields that one skilled in the art would not be motivated to consider combining their teachings, the more so because Sekiguchi clearly teaches away from the use of simultaneously coating a plurality of layers with different compositions for the coating of ink-receiving layers.

The rejection of claims 11 and 12 under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi in view of Van den Zegel is improper and removal is respectfully requested.

CONCLUSIONS

Claims 1-12 are pending in the present application. All claims are in condition for allowance. Notice thereof is respectfully requested.

Respectfully submitted,


Joseph T. Guy, Ph.D.

Agent for Applicants

Registration Number 35,172

NEXSEN PRUET JACOBS & POLLARD, LLC

P.O. Box 10648

Greenville, SC 29603

Telephone: 864-370-2211

Facsimile: 864-282-1177

November 13, 2003